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HOUSE BILL 1264

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANIEL P. SILVA

AN ACT

RELATING TO SPECIAL DISTRICTS; AMENDING THE PROCEDURE FOR ELECTING ACEQUIA OR COMMUNITY DITCH OFFICERS; PROVIDING FOR ALTERNATIVE VOTING METHODS; SPECIFYING PROCEDURES FOR CHANGING MANNER OF VOTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-2-14 NMSA 1978 (being Laws 1895, Chapter 1, Section 3, as amended) is amended to read:

"73-2-14. DITCH ELECTIONS--VOTES. -- [SEC. 100.] The election for acequia or community ditch officers under this article shall be held by the outgoing commissioners under rules and regulations to be prescribed by them. Only those having water rights in the acequia or ditch and who are not delinquent in the payment of their assessments [~~and fail to~~] or who proffer [~~such~~] the delinquent assessment at the time they offer to vote

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 shall be allowed to vote [~~but~~]. Votes may be cast by written
2 proxy and [~~shall be in proportion to the interest of the voter~~
3 ~~in the ditch or water or in proportion to the number or amount~~
4 ~~of his water rights~~] voting may be either in proportion to the
5 amount of water rights owned by the voter or one vote may be
6 cast by each owner of a water right; provided that if one vote
7 is cast by each owner of a water right, only one joint owner may
8 cast a vote where there is joint ownership of a water right.
9 The manner of voting shall not be changed except by a two-thirds
10 vote of those owners present and voting at a special meeting;
11 provided that any voting system existing on January 1, 1997 and
12 used to approve expenditures or assessments shall not be changed
13 for those expenditures or assessments of one thousand dollars
14 (\$1,000) or more. A notice specifying the purpose of a special
15 meeting shall be mailed to each owner at least twenty-one days
16 prior to the meeting. The special meeting shall be called only
17 upon written petition to the commissioners, signed by no less
18 than fifty-one percent of the owners and shall not be called
19 more often than one time in two years."

20 Section 2. Section 73-3-3 NMSA 1978 (being Laws 1903,
21 Chapter 32, Section 2, as amended) is amended to read:

22 "73-3-3. ELECTION--VOTES--CANVASS.--[~~SEC. 136.~~] The
23 election for acequia or community ditch officers, under [~~this~~
24 ~~article~~] Chapter 73, Article 3 NMSA 1978, shall be held by the
25 outgoing commissioners under written rules and regulations to be

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1 prescribed by them. Only those having water rights in the
2 acequia or ditch and who are not delinquent in the payment of
3 their assessments shall be allowed to vote, but votes may be
4 cast by written proxy. ~~[All votes shall be in proportion to the~~
5 ~~interest of the voter in the ditch or water or in proportion to~~
6 ~~the number or amount of his water rights, which, for election~~
7 ~~purposes, shall never exceed the lands under irrigation the~~
8 ~~outgoing year.]~~ Voting may be either in proportion to the amount
9 of water rights owned by the voter or one vote may be cast by
10 each owner of a water right; provided that if one vote is cast
11 by each owner of a water right, only one joint owner may cast a
12 vote where there is joint ownership of a water right. They
13 shall canvass the votes cast and shall record and publicly
14 announce the result of the election within twenty-four hours
15 after the close of the [same] election. Contests, if any, shall
16 be commenced and conducted as provided by law in the case of
17 general elections for county officers, but the notice of contest
18 shall be filed within fifteen days after the result of the
19 election is announced as herein required. The manner of voting
20 shall not be changed except by a two-thirds vote of those owners
21 present and voting at a special meeting; provided that any
22 voting system existing on January 1, 1997 and used to approve
23 expenditures or assessments shall not be changed for those
24 expenditures or assessments of one thousand dollars (\$1,000) or
25 more. A notice specifying the purpose of a special meeting

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2 the meeting. The special meeting shall be called only upon
3 written petition to the commissioners, signed by no less than
4 fifty-percent of the owners and shall not be called more often
5 than one time in two years."